

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UPMC AND ITS SUBSIDIARIES  
UPMC PRESBYTERIAN SHADYSIDE  
AND MAGEE—WOMENS HOSPITAL  
OF UPMC, SINGLE EMPLOYER, D/B/A  
SHADYSIDE HOSPITAL AND/OR  
PRESBYTERIAN HOSPITAL AND/OR  
MAGEE-WOMENS HOSPITAL,

Employer

and

Case 06-CA-081896

SEIU HEALTHCARE PENNSYLVANIA,  
CTW, CLC,

Charging Party.

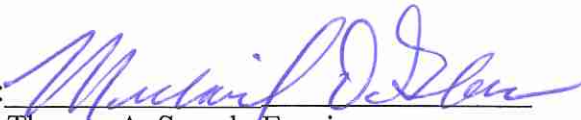
**AMENDED OPPOSITION TO MOTION  
FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE***

On April 7, 2014, the American Federation of Labor and Congress of Industrial Organizations (“AFL-CIO”) filed a Motion for Leave to File a Brief as *Amicus Curiae* in the above-captioned case in order to brief issues related to its position that the National Labor Relations Board (“Board”) should overturn *Register Guard*, 351 NLRB 1110 (2007). UPMC, UPMC Presbyterian Shadyside, and Magee – Womens Hospital of UPMC (collectively, Respondents) filed an Opposition to the AFL-CIO’s Motion on April 14, 2014, opposing AFL-CIO’s participation, and in the alternative, arguing that if the AFL-CIO’s Motion is granted, other *amici* should be permitted to submit briefs as well so that a diversity of viewpoints on this issue could be presented to the Board.

Since the time Respondents’ Opposition Motion was filed, the Board has invited interested *amici*, such as the AFL-CIO, to submit briefs in *Purple Communications, Inc.*, Case No. 21-CA-095151, et al., regarding whether *Register Guard* should be overturned. Since

*Purple Communications* appears to have been identified by the Board as the matter that will be used to decide the *Register Guard* issue, and since the Board has officially offered the entire labor community the opportunity to comment on the issue through *amicus curiae* participation, Respondents would be prejudiced by AFL-CIO participation in the above-captioned case. Prejudice would occur because it is highly unlikely that many *amici* will be interested in submitting briefs in this case related to the same issues that the Board has focused attention on in *Purple Communications*. Thus, the AFL-CIO would be the only *amici* to participate in this case even if the Board were to open up the record. Respondents would be further prejudiced by the participation of only one *amicus curiae* asserting only one point of view. Alternatively, having a number of *amicus curiae* filing duplicative briefs in this case and the *Purple Communications* case would be a clear waste of resources.

Given the Board's emphasis on *Purple Communications* to ensure that the labor community is heard on the *Register Guard* issue, Respondents respectfully request that the AFL-CIO's Motion be denied and that its *amicus* brief not be considered in the resolution of this case. In the alternative, Respondents request that further proceedings in this case be stayed pending the outcome of *Purple Communications*.

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Dated: May 9, 2014

**CERTIFICATE OF SERVICE**

Respondents' Amended Opposition to Motion for Leave to File Brief as *Amicus Curiae* has been served by email on the National Labor Relations Board, Region Six on this 9th day of May, 2014 to the below address:

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I also certify that the foregoing was served on the following individuals by e-mail on the same day:

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